

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS**

June 10, 1999

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, June 10, 1999, at 2:00 P.M. in the Meeting Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. William Rider, Chairman; William Barr, Vice Chairman; Mrs. Peg Mailler, Mr Eugene Lofdahl, and Mr. John Meadows. Also present were Mrs. Carolyn G. Bowen, Zoning Administrator; Mr. Paul McCulla, County Attorney; Mr. Don Margraf, Assistant Zoning Administrator, and Mrs. Beverly Pullen, Zoning Office Technician. Ms. Barbara Wilson and Dr. James Branscome were absent.

MINUTES

It was moved to approve the minutes of the May 6, 1999 hearing as submitted.

LETTERS OF NOTIFICATIONS

PUBLIC NOTICE Mrs. Bowen stated that to the best of her knowledge, the case before the Board of Zoning Appeals for a public hearing has been properly advertised, posted, and letters of notification sent to adjoining property owners.

SPECIAL PERMIT #44125

MARSHALL UNITED METHODIST CHURCH TRUSTEES (OWNER)

Applicants wish to replace the existing parsonage with a new parsonage on two lots, which have been consolidated into one lot, on Main Street in Marshall. The subject properties are located on Main Street (State Routes 55 and 17) in Marshall, containing .7702 acre, zoned C-1 (Commercial), and are identified as PIN #6969-47-3832-000 and #6969-47-4807-000, in Marshall District.

Mr. Margraf reviewed the staff report. He stated that the Marshall United Methodist Church has owned the two parcels since 1884. The County approved the consolidation plat for the two (2) parcels on April 19, 1999. The plat was recorded in the Clerk's Office on May 11, 1999. He further stated that the existing parsonage is in poor condition, needing several repairs, and it no longer conforms to the guidelines of the Virginia Conference of the United Methodist church. Mr. Margraf stated that the new parsonage would be connected to the public water and sewer services as indicated in the letters received from Fauquier County Water and Sanitation Authority and Marshall Water Works. He also stated that Virginia Department of Transportation has no objection to this request.

Mr. Ralph Eickhoff, Trustee, and other members, including the Pastor, were present on behalf of Marshall United Methodist Church. Mr. Eickhoff stated that they are not seeking a change in use for this property, but to construct a new parsonage for the Pastor. He explained that they

consolidated the two (2) parcels into one (1) parcel so as to locate the proposed dwelling in the center of the parcel and back from the street.

Mr. Rider asked if they could have more than one building on this lot.

Mrs. Bowen responded that they would only be allowed accessory uses to the dwelling, as the primary use. She stated that there is a mixed use in the neighborhood and this use would be appropriate and in character with the area. She further stated that in the future they could convert the use to commercial, due to the zoning of the property.

Mr. Lofdahl asked if the Pastor would continue living in the current dwelling.

Mr. Eickhoff stated yes that the Pastor and his family will live in the current dwelling until the proposed dwelling is complete. He further stated that at that time, the current dwelling would be demolished.

Mr. Rider asked if anyone wished to speak regarding this request.

No one spoke.

On the motion made by Mrs. Mailler, and seconded by Mr. Lofdahl, it was moved to grant special permit #44125, after due notice and hearing, as required by Code of Virginia §15.2-2204 and Section 5-009 of the Fauquier County Code, based upon the Board's findings:

1. The proposed use will not adversely effect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards which apply to the use in question, namely:

Section 5-103 Standards for All Residential Uses in C-1 and CV District

In addition to the standards set forth in Section 006 above, all residential uses shall satisfy the following standards:

1. While the C-1 and CV Zoning Districts are intended to accommodate a mixture of commercial and residential uses, and to recognize the mixed use character of many village center in the County, residential uses

allowed by special permit in such districts shall be of such scale as to avoid conflict with existing and potential commercial uses in the district where located.

2. Such uses shall be subject to use regulations set forth in Part 4 of Article 3 for conventional developments in the zoning districts indicated:

<u>Dwelling Unit Type</u>	<u>Zoning District</u>
Single Family, Detached	R-4
Single Family, Attached	TH
Multi-Family	GA

5. The special permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance: (Conditions including, but not limited to, those recited in Section 5-007 A-L of the Zoning Ordinance:

None.

The motion carried unanimously.

OTHER MATTERS

Mr. McCulla distributed to the BZA members, a copy of the Primer for Local Government Attorneys on the Freedom of Information Act, as revised by the 1999 Session. He stated that as soon as he receives a copy of the revised FOIA, he would distribute to each member, probably in the next month. He further stated that relative to Boards, members are mandated by law to read the act. He explained that it is his job as County Attorney to brief the members on the FOIA and provide a working understanding of the revised FOIA as it relates to the Board of Zoning Appeals.

He stated that if any BZA member receives a request for information, it is their job to forward the request immediately to the office of the Zoning Administrator for processing. He explained that the FOIA only allows five (5) days to comply with such requests, unless an agreement is made for an additional time to allow research. If the FOIA is violated, there are fines and penalties associated with the offense.

He explained that the term “executive session” has been redefined as a “closed meeting”. Mr. McCulla further explained that there are specific reasons for allowing a “closed meeting”. The reasons are for legal consultation or expertise on the law, as it relates to a specific case.

Mr. Meadows inquired about reconsideration of a vote

Mr. McCulla explained that a vote could be reconsidered at the subsequent meeting after a case, but must be made by a member that voted in the affirmative.

Mr. Barr asked what had caused the changes.

Mr. McCulla explained that the Virginia Press Association was overly liberal in exemptions of local officials and the revised FOIA tightens the rules and mandates that as much business as possible be conducted in public.

ADJOURNMENT There being no further business before the Board, the meeting adjourned at
2:55 P.M.

William Rider, Chairman

Barbara Wilson, Secretary

Copies of all files and materials presented to the Board are attached to and become a part of these minutes. A tape recording of the meeting is on file for one year.